

CHAPTER 75-03-17.1
AUTHORIZED AGENT IN PROVIDING CHILD WELFARE SERVICES

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75-03-17.1-01. County social service board request for release as authorized agent in providing child welfare services.

1. A county social service board may request to be released as the department's authorized agent in providing any or all child welfare services by providing a written request stating the reasons. Child welfare services include child protective services assessments, child protective services case management, foster care case management for those children in legal custody of a county, foster care licensing studies, and child care licensing studies. Upon receipt of a request to be released as the department's authorized agent, the department shall determine whether to release the county social service board from providing any or all child welfare services.
2. In appropriate circumstances, the department shall first attempt to resolve the issues identified by the county social service board in its request to be released as the department's authorized agent. If the department's efforts to resolve the identified issues are unsuccessful after ninety days, the department will then have fourteen days to determine whether to release the county social service board as an authorized agent. The county social service board may be released as the department's authorized agent in any of the following circumstances:
 - a. If it is unable to recruit or retain qualified staff;
 - b. If it is unable to secure necessary supervision;
 - c. If it lacks local support to ensure quality services; or
 - d. If other factors exist that affect the county social service board's ability to deliver services.

Prior to releasing the county social service board as the department's authorized agent, the department shall obtain a provider to deliver child welfare services.

History: Effective July 1, 2006.

General Authority: NDCC 50-06-15

Law Implemented: NDCC 50-01.2-03

75-03-17.1-02. Department request for county social service board release as authorized agent in providing child welfare services.

1. The department may release a county social service board as its authorized agent in providing any or all child welfare services when a county social service board demonstrates an inability or unwillingness to follow law, rules, or policies in providing child welfare services. When the department seeks to release a county social service board as its authorized agent, it shall provide written notice to the county social service board stating the reasons. The county social service board shall have sixty days to respond to the notice by either:
 - a. Accepting the request for release; or
 - b. Requesting a corrective action plan.
2. If requested by the county social service board, the department shall prepare a corrective action plan within thirty days stating the conditions the county social service board must satisfy to continue as the department's authorized agent. The county social service board shall have thirty days to respond to the corrective action plan. If the department determines the county social service board response does not adequately address the corrective action plan, it may release the county social service board as its authorized agent. Prior to releasing the county social service board as the department's authorized agent, the department shall obtain a provider to provide child welfare services.

History: Effective July 1, 2006.

General Authority: NDCC 50-06-15

Law Implemented: NDCC 50-01.2-03

75-03-17.1-03. County request for reinstatement as authorized agent in providing child welfare services. If a county social service board seeks to reinstate its status as the department's authorized agent, it may submit a written request to the department. The department shall respond to this request within forty-five days by conducting an assessment to determine whether the circumstances leading to the county social service board's release as the department's authorized agent still exist or have been adequately resolved.

History: Effective July 1, 2006.

General Authority: NDCC 50-06-15

Law Implemented: NDCC 50-01.2-03

75-03-17.1-04. County social service board financial responsibility upon release as authorized agent in providing child welfare services. Upon approval of a request for release as authorized agent by the department, or if the department initiates the release of a county as an authorized agent, the following will occur:

1. The department, in consultation with the county social service board, will obtain a provider to deliver identified child welfare services at a reasonable rate for the county social service board released from providing child welfare services. The county social service board released from providing child welfare services shall not be responsible for any legal actions regarding the quality or delivery of the services provided by the subsequent authorized agent.
2. For administrative costs, the department will pay the subsequent authorized agent the negotiated rate for providing the services. The county social service board released from providing child welfare services will be responsible for the difference between the negotiated rate and the approved reimbursement rate for child protective services assessments and child care licensing. Child welfare case management services will be reimbursed in the manner used for reimbursing county administrative expenditures. The county social service board released from providing any or all child welfare services shall remain responsible for the total cost of any or all child welfare services while continuing eligibility for federal, state-appropriated, and other appropriated funds.

History: Effective July 1, 2006.

General Authority: NDCC 50-06-15

Law Implemented: NDCC 50-01.2-03